THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19791 of 2006

27.10.2006

Between:
P.Shamiullah Khan, S/o.late P.Rahim Khan

… Petitioner

AND

The Revenue Divisional Officer, Kurnool
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19791 of 2006

ORDER:

The petitioner's father P.Rahim Khan, died in harness on 07.7.2004 while working as Constable in District Armed Reserve, Kurnool. The petitioner approached the Superintendent of Police, Kurnool, seeking appointment on compassionate ground. By a communication dated 20.7.2004, the petitioner was asked to produce among others Financial Status Certificate (FSC) issued by the Revenue Divisional Officer, Kurnool (RDO), the first respondent herein. Therefore, the petitioner approached the Mandal Revenue Officer, Kurnool (MRO), the second respondent herein, in February 2005 and March 2005. The second respondent issued an endorsement on 18.4.2005 informing the petitioner that FSC and "No Earning Member Certificate" (NEMC) cannot be issued to the petitioner, as the third respondent, the plaintiff in O.S.No.7 of 2002 on the file of the Family Court, Kurnool, has objected to the same. The petitioner then approached the first respondent on 11.3.2006 requesting to intervene in the matter of issue of FSC and NEMC. Though the petitioner was interviewed for the post of Constable in the Armed Reserve for want of production of the certificates, he could not be appointed. Therefore, he filed the instant writ petition seeking a direction to the second respondent to issue FSC and NEMC to the petitioner.

Learned Counsel for the petitioner submits that the suit was filed

by the daughter of the third respondent against late Rahim Khan for maintenance. The same was decreed against Rahim Khan for payment of maintenance till the date of marriage of the daughter of the third respondent. He submits that the plaintiff in the said suit filed E.P. No.2 of 2005 and that the same has nothing to do with the issue of FSC and NEMC to the petitioner. Learned Assistant Government Pleader for Revenue (General-A) submits that except objection raised by the third respondent, there is no other objection to consider the application of the petitioner.

The issue of FSC or NEMC to a person or to a member of such person's family is nothing to do with the *inter se* dispute between or among the members of the family. The suit filed by the daughter of the third respondent against father of the petitioner, may not have any relevance. Even if the Decree Holder in the said suit seeks to execute the decree against the petitioner, as a legal heir of the deceased Judgment Debtor, such judgment can still be executed by attaching the salary of the petitioner in case he gets employment. Therefore, rejection of application of the petitioner for issue of FSC and NEMC, on that ground, is unreasonable.

As per the memo issued by the Superintendent of Police, Kurnool, dated 20.7.2004, the petitioner is required to submit Financial Status Certificate issued by the RDO and 'No Earning Member Certificate' issued by the MRO. Therefore, the petitioner is given liberty to approach the respondents again with a copy of this order. The respondents then shall conduct enquiry and issue appropriate certificates as required by the petitioner. Indeed such certificates can be granted not only to the petitioner but also to any other members of late Rahim Khan's family.

The writ petition is accordingly disposed. No costs.

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October 27, 2006. (**V.V.S.RAO, J**)

NOTE:
Issue order copy by
03.11.2006.
(By order)
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